



NORTH AMERICA SOUTH AMERICA EUROPE ASIA

200 Park Avenue  
New York, NY 10166  
T +1 (212) 294-6700  
F +1 (212) 294-4700

**SETH C. FARBER**  
Partner  
212-294-4611  
SFarber@winston.com

September 28, 2023

**VIA ECF**

**MEMO ENDORSED**

Hon. Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Courtroom 23A  
New York, NY 10007

**Re: United States v. Robert Menendez et al., Case No. 1:23-cr-00490-SHS**

Dear Judge Stein:

We write on behalf of defendant Senator Robert Menendez to request that Senator Menendez be excused from appearing personally at the status conference in this case that is scheduled for Monday, October 2, 2023, at 2:30 p.m.

Senator Menendez had his initial appearance and arraignment on the Indictment yesterday before Magistrate Judge Wang. At that initial appearance, Judge Wang excluded time under the Speedy Trial Act through October 2, 2023, and released Senator Menendez on a personal recognizance bond. Immediately afterwards, Senator Menendez returned to Washington, D.C. and has been attending to Senate business.

Federal Rule of Criminal Procedure 43(b)(3) provides that “[a] defendant need not be present” when “[t]he proceeding involves only a conference or hearing on a question of law.” In this instance, because of the need for Senator Menendez to be present in Washington, D.C. on Monday for potential Senate votes and other Senate business, there is particular justification for excusing his personal appearance. Accordingly, Senator Menendez respectfully requests that he be excused from appearing personally at Monday’s conference.

We have conferred with the government, and AUSA Eli Mark has informed us that the government takes no position on this request.

Respectfully,

cc: All counsel (via ECF and Email)

Seth C. Farber

**Defendant Robert Menendez's request to be excused from attending the conference on October 2 is granted pursuant to Fed. R. Crim. P. 43(b)(3).**

**Dated: New York, New York  
September 29, 2023**

**SO ORDERED:**

Sidney H. Stein, U.S.D.J.